

Reasons humbly proposed for Asserting and Securing the Right of the Subjects to the Freedom of Trade, until they are Excluded from it by Act of Parliament.

THE Consideration of the Settlement of the *East-India Trade* having taken up so great a part of the Two last Sessions of Parliament, without bringing it to Perfection, by reason of the intervening of other Publick Affairs, as well as by the great Opposition and Delays used by the *East-India Company*; and each Session having ended in an Address to His Majesty; The First, to Dissolve their Charters, and to Establish a New Company to preserve the Trade; the Last, only to Dissolve their Charters: which being since become Void by Act of Parliament, by their making Default in Payment of the first Quarterly Payment of the Tax charged on their Joint-Stock, at the Time limited by the Act, the said Company is since Confirmed by New Charters, Dated the 7th October, and 11th November last.

It's Humbly Conceiv'd,

That the Asserting the Right of the Subjects to the Freedom of Trade, until they are Excluded from it by Act of Parliament, is a Matter highly Necessary at this Time.

I. Because the Omission of it may be construed, An admitting that the Crown can Exclude some Subjects from Trade, and Grant it to others, without an Act of Parliament.

II. Because the Consequences of Allowing and Admitting such a Power, may be Dangerous and Fatal to this Kingdom.

III. Because the Company have Seized the Ships and Goods of some of their Fellow-Subjects for Trading into the *East-Indies*, and have Prosecuted others with Malicious and Vexatious Suits, in Actions of 100000 *l.* and 200000 *l.* though by Law they might Trade thither.

IV. Because they have so lately Asserted in their Petition of the 21st of October last, That the Sole Trade to the *East-Indies* is Granted to them by Charter; and that the Trading of others thither, is contrary to the known Laws of this Kingdom. Whereupon an Order of Council pass'd, to Stop the Ship *Redbridge*, on the bare Allegation in that Petition, That they had notice She was Bound to the *East-Indies*.

V. Because they did procure the Stop of the Ship *Edward*, alias *Seymour*, and the *Henry*, in March last; which Ships were both Cleared at the Custom-House and Gravesend, and had an Order of Council, and Protection for their Seamen; as is now constantly practised by reason of the War: the *Edward*, alias *Seymour*, being fully dispatcht with all her Cargo on board, Sayling to the *Buoy in the Nore*, was Stopt in an unheard of manner, by Powder and Ball, several of the Men of War firing at Her 6 or 7 times with Shot; which had like to have brought her Mast by the Board: And though sight and Copy of the Order by which She was thus stopt was demanded of the Commanders of the Men of War, yet neither could be obtained. And both Ships were stopt without any Order of Council, although there was an Order of Council for their Proceeding; and they were continued under Restraint about Three Weeks time; which at that Season of the Year might prove the Loss of their Voyages.

VI. Because their former Grants which are Restored and Confirmed by their two last Charters, contain the Grant of several Powers, which, it's humbly conceived, are dangerous and destructive to the Rights, Liberties, Lives, and Estates of their Fellow-Subjects; and which they have formerly put in Execution, and are likely to do again: being no ways discouraged, by any Punishment inflicted on them for their former Unjustifiable Actions.

Some of which Powers granted in their former Charters, are as follow.

Power to Seize Ships and Goods for Trading thither, the Ships and Goods to be Forfeited; and besides the Transgressors to incur the King's Indignation, and Imprisonment during the King's pleasure, and such other Punishments as the King should think fit; and not to be released, till they had given Bond to the Company, never more to Trade to the *East-Indies*. — Power to enter into the Ship or House of any one, Trading within the limits of their Charters, and to Seize his Goods without Account. — Power to Seize the Persons of any English-men found in the *East-Indies*, and to send them home for England. — Power to Judge the King's Subjects in India, by their Governour and Council, in all Causes, Civil and Criminal, and to execute Judgment upon them. — Power to Execute Martial Law. — Power to Muster Souldiers, to make Peace or War, to recover Satisfaction for Injuries by Force of Arms. — Power to License any Persons, even Aliens and Infidels, to Trade; though the King's Subjects are restrained from it.

Whether such Powers can be granted by Charter; or whether it be fit to trust those with but a colour to Execute such Powers, who have already so much Opprest their Fellow-Subjects by pretence of the same Powers, is well worthy Consideration. For thereby the Lives, Liberties, and Estates of their Fellow-Subjects who may frequent the *East-Indies* in their Lawful Trading, may again be Exposed to the same unjust Violence and Oppression which they have formerly suffered from them.

VII. Because these two last Charters contain such Mysterious Grants, as are without Precedent or Example; granting them that in Fact, which could not be justifiably granted in Words. For though they only grant them all such and the like Lawful Powers, &c. -- which they had or might lawfully hold, use, or enjoy, &c. by virtue of their former Charters, as fully to all intents and purposes, as if those Powers and Charters were at large recited: yet those Powers not being any ways distinguished, which of them are Lawful, and which Unlawful, it is left to the Company, their Factors, Servants, and Mariners, to judge, which are, and which are not Lawful: And by what they have already done, it's easie to guess how ready they will be to Execute any other Powers contained in their former Charters, which they themselves think to be for their Advantage: And if hereafter in any other Reign, there should be such Judges as there have been in some former Reigns, who would call any thing Lawful, which the Crown would have to be so, then the Powers in their former Charters may all be lawfully used.

VIII. Because they will be encouraged by colour of their former Grants being so mysteriously restored, to oppress and ruin their Fellow-Subjects: For they having a Common Purse, to justify and defend their Actions, the endeavouring to obtain relief against them by Law, will be rather an Encrease of the Injury, than a Remedy thereof; so that they are in effect left without any Redress.

The undoubted Right which all the Subjects of England have freely to Trade to all Parts not Prohibited by Act of Parliament, may plainly appear by the following Particulars.

1st, By the several Statutes which have been made to declare and assert that Right to the Freedom of Trade, which the Subjects had before those Laws were made.

2dly, By the Opinion of the Judges, and the several Judgments which have been given in *Westminster-Hall*, notwithstanding the Exclusive Charters of the *East-India* and *African Company* have been pleaded.

3dly, By His Majesty's Message sent the House of Commons the last Session, in Answer to their Address in Relation to the *East-India Company*; wherein His Majesty recommended to them the preparing a Bill in Order to pass into an Act of Parliament to Settle that Trade; expressly declaring, that the Concurrence of the Parliament was necessary to make a compleat and useful Settlement thereof.

4ly, By the declining to have this Matter brought to a legal Determination, as was proposed before the Privy Council, by those who opposed the Passing the new Charter.

5ly, By the several Petitions delivered the Honourable House of Commons by the Company themselves, and others by their Procurement, praying to have this Company Establish'd by Act of Parliament; which plainly shews, that they themselves acknowledge the Subjects have a Right to that Trade, till they are excluded from it by Act of Parliament.

And it seems a great Hardship, and an Addition to the Misfortunes which have already and daily do attend Traders in this War, by the Losses and Disappointments which they have and do sustain in their Trade, to have the War made a Pretence to deprive them of the Right which they have to Trade to the *East-Indies*, from which they could not be hindered, if it were now a time of Peace; and to have that great and profitable Trade given only to some of Their Majesties Subjects, to which all the Subjects of England have an equal Right by Law, and from which they cannot legally be Excluded by any Charter whatever.

It might rather have been supposed, that the Losses and Disappointments which have attended all Traders in this War, should have been an occasion of Indulging them in their lawful Trades, rather than be made use of, as now it is, to hinder them of their Right to this profitable Trade, and of the most probable means of retrieving the Losses they have and do daily sustain by the War: And it might well have been concluded, that the want of Money which the Publick Revenue has felt by the Interruption of Trade, and the Difficulties which appear to find out Ways and Means to raise Money to carry on the War, would have been Reasons sufficient to encourage all Merchants to Trade, rather than to hinder them from their lawful Trading. For if those Merchants who Petitioned in August last for Protection for Four Hundred Seamen, to go to the *East-Indies* in five Ships this Season, could have obtained the same, they would have paid Sixty thousand Pounds for Customs at the return of those Ships, in less than Two Years time, and have furnish'd Their Majesties with Five Hundred Tuns of Salt-Petre, at 60 *l.* per Tun; which by the Company's hindering others from trading, and not trading themselves, is now sold at 160 *l.* per Tun; and they would also have furnish'd the Nation with Callicoes and other *East-India* Goods much Cheaper than they are now from *Holland*, or than they will be by the Company, if they have the Monopoly of that Trade; who though they had no Charter, had Protection granted them for Twelve Hundred Seamen, at the same time when others were refused: and Yet in the last two Years time, they have not paid above Twenty or Twenty one thousand Pounds for Customs, and of that great part for Aliens, and other Mens Goods brought home in their Ships.

These Merchants who Petitioned for Protection for Four Hundred Seamen to go to the *East-Indies*, were so well assured of their Right to the Trade, that they not only offered to bring it to a Tryal at Law last Term, but publicly declared to all the World, that if it had been time of Peace, and that they could have been secure of their Seamens not being pressed from them, they would have fitted out Ships for the *East-Indies* barefaced, and stood upon the Law of the Land for their Justification.

All which is humbly submitted to Consideration; and it's humbly hoped the continuance of these Mischiefs will be prevented, by asserting the Right of all the Subjects of England to the Freedom of Trade, until they are excluded from it by Act of Parliament; and that some effectual Provision may be made to secure the Freedom of Trade in time of War to all Their Majesties Subjects indifferently, that so some may not be interrupted and stopt in the Exercise of it, whilst others are permitted freely to enjoy it.

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12. I hereby certify that the above is a true and correct copy of the original as the same appears in the records of the Board of Directors of the City of New York.

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1. In 1948, the U.S. Government, through the National Security Council, established the Central Intelligence Agency (CIA) to collect and analyze information on foreign powers and their activities. The CIA was created as a response to the growing threat of Soviet influence and the need for a more coordinated and effective intelligence-gathering effort.

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